

Senate Bill 163

Comments of Gary A. Dawson, Ph.D.
Consumers Energy

Good morning!

My name is Gary Dawson. I'm a Principal Policy Analyst at Consumers Energy's Environmental Services Department; I also served as the appointed utility representative to the Wetlands Advisory Council over the past three years as provided for by Act 120 of 2009.

I'm here today to offer Consumers Energy's support for Senate Bill 163, for the State of Michigan's Wetlands Protection Program, and for its delegated authority to administer the federal wetlands program under Section 404 of the Clean Water Act. The provisions of Senate Bill 163 are essential for the realignment of Michigan's Wetlands Protection Program with the federal requirements and for the continuation of the delegated program.

Michigan utilities have a vital interest in wetlands regulation. While we recognize that the protection of wetlands and the goods and ecological services they provide to the people of Michigan are of paramount importance, Michigan's geography dictates that utilities often must work in wetlands to provide the people of Michigan with essential gas, electric, water, and communications services. Consumers Energy alone operates and maintains approximately 60,000 linear miles of electric distribution lines and 27,600 linear miles of gas transmission and distribution lines in primarily outstate Michigan where wetlands are a significant part of the landscape. Michigan's electric, gas, and communication utilities must work in wetlands on a regular basis as they repair and maintain electric lines and access roads, repair storm damage, and address pipeline safety issues. To allow utilities to perform these essential functions, it is imperative that wetlands regulation be as streamlined as possible while still being reasonably protective of the wetlands resource.

In the development of this bill to realign Michigan's Wetlands Protection Program with the Clean Water Act Section 404 requirements, we'd like to thank the DEQ for working closely with Michigan's utilities and EPA to retain much of the regulatory flexibility for utility maintenance and repair work and small-scale construction in wetlands found in the current statute. They have also broadened the scope of this body of regulation to include water and communications utilities that similarly benefit. Also, as directed by Act 120 of 2009, the DEQ has, in consultation with stakeholders, developed a series of general and minor permits for activities in wetlands, inland lakes and streams, and Great Lakes bottomlands that are based on the Nationwide Permits issued by the U.S. Army Corps of Engineers. These include general and minor permits not only for relatively small utility projects but also for large, important, time-limited projects such as pipeline safety repair. The DEQ has also implemented many of the recommendations of the Wetland Advisory Council to streamline their individual permit system, their internal procedures, and the Wetland Protection Program as a whole. The wetlands mitigation reforms in this bill will be beneficial to utilities and a broad spectrum of interests across the State.

We appreciate DEQ's commitment to the Wetland Advisory Council process and to the development of this bill, and we appreciate your efforts in assuring its passage.

Consumers Energy strongly supports this bill and the continuance of the Michigan Wetlands Protection Program and its EPA-delegated authority to administer the federal wetlands program in Michigan.

Thank you.